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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,322	01/05/2004	Dale Boudreaux	NRL947	1998
34356	7590	08/11/2004	EXAMINER	
ASHKAN NAJAFI, P.A. 113 LAMPLIGHTER LANE PONTE VERDA BEACH, FL 32082			NGUYEN, KIEN T	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,322

Applicant(s)

BOUDREAUX ET AL.

Examiner

Kien T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/05/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray U.S. Patent 2,544,106 in view of Kingsbury U.S. Patent 834,140.

Ray disclosed a base member (10) having oppositely spaced side sections (11, 12) with respective bottom portions for engaging a ground surface, top edge portions for defining apex of the base member, a plurality of elongated braces (members between sections 11 and 12) having opposed end portions connected thereto and for maintaining the side sections at stable positions; an elongated blank (16) having a first end portion engaged with the base member and being selectively pivotable thereabout, an oppositely spaced second end defining a seat (19); means (29) for pivotally lifting the plank upwardly along a predetermined arcuate path after the second portion of the plank is moved to selected lowered positions; the lifting means being connected to the base member and the plank (applicants' claim 1); the lift means comprising a spring-loaded hydraulic air piston (31) having opposed end and a plurality of brackets (26, 38) connected thereto and for pivotally connecting the piston to the seesaw so that the piston can be contemporaneously moved between a linear path and an arcuate path during operations, the piston being disposed medially between the side sections wherein one of the brackets are connected to one of the braces (elongate member

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between legs 12) (applicant's 3); an elongated swivel pin (14) transversely passing the plank and for connecting same to the base member as shown in Fig. 3, the pin cooperating with the piston for allowing the plank to operably move along the arcuate path (applicant's claim 4). It is noted that Ray failed to teach the use of a back section integral therewith and spaced between the side sections as set forth in claim 1.

However, Kingsbury disclosed a seesaw having side sections (10) and a back section (11) integral therewith and spaced between the side sections. Therefore, it would have been obvious to one of ordinary skill in the art to provide a back section as taught by Kingsbury to the side sections (11) of Ray for the purpose of enhancing the rigidity of the base member.

Claims 2, 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray in view of Kingsbury as applied to claim 1 above, and further in view of Keller et al. U.S. Patent 6,533,672.

It is noted that handles bars (47) of Ray are not extending outwardly from the plank and laterally from the longitudinal axis of the plank as set forth in claims 2, 6, and 10; and the lightweight material of the plank as set forth in claims 5, 9, and 12. However, Keller et al disclosed a seesaw having handle bars (42) extending outwardly from plank (14) and laterally from the longitudinal axis thereto; and the plank (14) is made from rotationally molded plastic that inherently being hollow interior portions (column 3, lines 54-60). Therefore, it would have been obvious to one of ordinary skill in the art to modify the handle bars and plank of Ray with the teachings of Keller et al as

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discussed above the advantage of allowing rider to easily pulling the handle bars, and reducing the weight of the seesaw for the transportation purpose.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The enclosed references are cited for interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (703) 308-2493. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kien T. Nguyen
Primary Examiner
Art Unit 3712

Ktn